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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,419	11/01/2000	Eric Cohen	US000287	1395

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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/703,419	Applicant(s) COHEN ET AL	
	Examiner Kelly L. Jerabek	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6 and 10-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,4,6 and 10-15 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
Response to Arguments

Applicant's arguments with respect to claims 1, 4, 6, and 10-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6, 10, and 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Platte et al. US 4,864,409 in view of Saburi US 6,556,235.

Re claim 1, Platte discloses in figures 2 and 3 a video camera including an acceleration compensation apparatus. Platte mentions that portable (hand held) cameras have a risk of capturing adversely affected images due to inadvertent acceleration (shake) of the camera housing (col. 1, lines 14-20). It can be seen in figure

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1A that the camera produces a video signal of a target (1) and the target (1) is scanned in only a desired field (2) (col. 2, lines 14-27). Therefore, the camera is provided with a wide field of view (1). It can be seen in figure 2 that the camera housing (3) includes acceleration sensors (4,5) capable of continuously detecting relative movement between the camera and an object of interest (col. 2, line 47 – col. 3, line 19). The camera also has the capability of continuously electronically adjusting the camera without the use of a motor in response to the detected relative movement so as to maintain a desired framing and tracking of the object of interest within an image, for providing a stable image in event of an inadvertent acceleration of the camera housing (eg. Movement of a user's hand holding the camera) (col. 2, line 47- col. 4, line 7). Although Platte discloses all of the above limitations he does not distinctly disclose that the camera is capable of being integrated into telephone.

Saburi discloses in figures 1-3 a portable videophone unit. The portable videophone unit body (20a) is provided with a camera (22) for taking images (col. 3, lines 32-54). Captured images may then be transmitted to other devices (col. 5, lines 35-48). Therefore, it would have been obvious for one skilled in the art to have been motivated to integrate the camera including an acceleration compensation apparatus disclosed by Platte into hand-held telephone as disclosed by Saburi. Doing so would provide a means for allowing a user to transmit and receive images at a variety of locations (Saburi: col. 1, lines 6-9).

Re claim 4, the videophone disclosed by Saburi includes keys (23) that a user may press to perform certain functions (col. 3, lines 47-54). Therefore, the camera in the videophone is physically adjustable by a user.

Re claim 6, Platte states that voltages furnished by acceleration sensors (4) for x direction, (5) for y direction, are fed to a processor (8) which generates an address signal (Adr) and the address signal (Adr) controls the starting point (S) of the scanning raster of field (2) (col. 2, line 47-col. 3, line 19). Therefore, the camera has a solely electronically pan setting (corresponding to the voltage for the x direction) and an adjustable tilt setting (corresponding to the voltage for the y direction) performed without the use of a motor.

Re claim 10, Platte discloses a step of continuously electronically adjusting a camera based on an output of an orientation determination device (acceleration sensors 4,5) for detection relative movement between a camera and an object or interest caused by an inadvertent acceleration (eg. Movement of a user's hand) (col. 2, line 47 – col. 4, line 7).

Re claim 12, Platte states that the electronic adjustment of the camera (address signal for choosing the starting point S for raster scanning) may also be based on an output of an image processing operation applied to an image generated by the camera (col. 3, line 34-col. 4, line 7).

Re claim 13, Platte states that the electronic adjustment of the camera (address signal for choosing the starting point S for raster scanning) is based on an orientation determination (acceleration sensors 4,5) and an image processing operation (scanning raster of field (2) (col. 2, line 47 – col. 3, line 19).

Re claim 14, see claim 1.

Re claim 15, see claim 1. The camera disclosed by Platte includes a processor (8) used to generate address signals based on voltage readouts of acceleration sensors (4,5) (col. 2, line 47 – col. 3, line 19). Therefore, it can be seen that the processor (8) of the camera includes a program for tracking an object of interest as disclosed in claim 1 above.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Platte et al. in view of Saburi as applied to claim 10 above and further in view of Vincent 6,195,122.

Re claim 11, Platte in view of Saburi includes all of the limitations of claim 1 above. However, the combination of the Platte and Saburi references does not disclose an orientation determination device such as a gyroscope

Vincent discloses in figure 1 a tracking data acquisition unit (105) attached to a video camera (120). As shown in figure 2, the tracking data acquisition unit (105) includes two gyroscopes (400, 410) for measuring the rotation of the camera along the x and y axes in order to determine the orientation of the camera (col. 6, lines 1-15). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the gyroscopes (400 and 410) for measuring the rotation of the camera as disclosed by Vincent in the portable videophone capable of tracking an object disclosed by Platte in view of Saburi. Doing so would provide a means for sensing all rotational motions of a video camera in order to determine the orientation of the camera and the distance to the object (Vincent: col. 2, lines 36-45).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thomas (US 6,781,623) discloses vertical compensation in a moving camera. The information regarding the use of a gyroscope in a portable videophone is pertinent material.

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Sato et al. (US 6,781,622) discloses an apparatus for correction based upon detecting a camera shaking. The informing regarding the use of acceleration sensors to measure camera shake is pertinent material.

Malkin et al. (US 6,704,048) discloses adaptive electronic zoom control. The information regarding electronically panning, tilting, and zooming a camera is pertinent material.

Ogino (US 6,100,927) discloses a photographing apparatus having a blurring correcting apparatus. The information regarding blurring detection and correction is pertinent material.

Kaneda et al. (US 5,825,415) discloses an electronic image-movement correcting device with a variable correction step feature. The information regarding the detection of camera shake is pertinent material.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on **(571) 272-7308**. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ


THAI TRAN
PRIMARY EXAMINER